

### **REMARKS**

Claims 1-25 are pending. Each of claims 1, 3, 15 and 25 have been amended to recite that each of the first generally planar portion, first tip portion and first trailing edge are solid, non-perforated blade portions. Each of claims 1, 3, 15 and 25 have been further amended to recite that each of the second generally planar portion, second tip portion and second trailing edge are solid, non-perforated blade portions.

Accordingly, Applicant respectfully submits that no new matter has been added by these amendments and no estoppels are intended thereby. Reconsideration and withdrawal of the outstanding rejections is respectfully requested in view of the following remarks.

### **OFFICE ACTION**

#### **REJECTIONS UNDER 35 U.S.C. §102(b)**

Claims 1 and 2 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Klepeis (U.S. 5,073,033). Applicant respectfully traverses this rejection.

Applicant notes that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. (quoting *Verdegall Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987)).

Without conceding the propriety of the rejection, claim 1 has been amended to recite that each of the first generally planar portion, first tip portion and first trailing edge are solid, non-perforated blade portions, and that each of the second generally planar portion, second tip portion and second trailing edge are solid, non-perforated blade portions.

Klepeis fails to disclose at least these aspects of claim 1. To the contrary, Klepeis discloses a liquid mixer for mounting to a power drill, having blade portions that are perforated with "through holes," and does not disclose solid, non-perforated blade portions as recited in claim 1. See, for example, column 1, line 56 – column 2, line 20, along with Figs. 1-4 of Klepeis.

With respect to claim 2, it depends from claim 1 and is believed allowable for at least the same reasons.

Accordingly, in light of the aforementioned comments, Applicant respectfully submits that each and every element as set forth in claims 1 and 2 is not found, either expressly or inherently, in Klepeis and withdrawal of this rejection is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 103(a)

Claims 3-25 stand rejected under 35 U.S.C. § 103 (a) as being allegedly unpatentable over Klepeis (U.S. 5,073,033). Applicant respectfully traverses this rejection.

To establish a prima facie case of obviousness, the prior art references must teach or suggest all of the claim elements. M.P.E.P. § 2143. There must also be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references. *Id.* Applicant respectfully submits that these criteria for obviousness have not been satisfied.

Each of claims 3, 15 and 25 have been amended to recite that each of the first generally planar portion, first tip portion and first trailing edge are solid, non-perforated blade portions, and that each of the second generally planar portion, second tip portion and second trailing edge are solid, non-perforated blade portions. As discussed in connection with the 102(b) rejection to claims 1 and 2, Klepeis fails to disclose at least this aspect of the claims. To the contrary, Klepeis discloses a liquid mixer for mounting to a power drill, having blade portions with that are perforated with “through holes” and does not disclose solid, non-perforated blade portions as recited in claim 1. See, for example, column 1, line 56 – column 2, line 20, along with Figs. 1-4 of Klepeis. Moreover, Klepeis teaches away from the recited solid, non-perforated blade portions, calling for perforated blades to combat “bogging down” in highly viscous liquids. Again, see for example, column 1, line 56 – column 2, line 20, along with Figs. 1-4 of Klepeis. Whereas, in the invention as presently claimed by claims 3, 15 and 25, perforations or holes are

not preferred because the use of holes or perforations as disclosed by Klepeis increases power draw and decreases mixing in low viscosity applications.

Applicant respectfully submits that Klepeis fails to teach or suggest all of the claim elements for claims 3, 15 and 25 and therefore a prima facie case of obviousness has not been established. Accordingly, withdrawal of this rejection to claims 3, 15 and 25 is respectfully submitted.

Claims 4-14 depend from claim 3 and are believed allowable for at least the same reasons as claim 3. Claims 16-24 depend from claim 15 and are believed in condition for allowance for at least the same reasons as claim 15.

In light of the aforementioned remarks, withdrawal of this 103(a) rejection is respectfully requested.

### **CONCLUSION**

In view of the foregoing remarks, Applicant respectfully requests that all the objections and rejections to the claims be removed and that the claims pass to allowance. If, for any reason, the Examiner disagrees, please call the undersigned attorney at 202-861-1714 in an effort to resolve any matter still outstanding before issuing another action. The undersigned Attorney is confident that any issue which might remain can readily be worked out by telephone.

In the event this paper is not timely filed, Applicant petitions for an appropriate extension of time. Please charge any fee deficiencies or credit any overpayments to Deposit Account No. 50-2036 with reference to our Docket No. 87335.3203.

Respectfully submitted,

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